

1 The Hon. Robert S. Lasnik
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UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

10 UNITED STATES OF AMERICA,
11 Plaintiff,
12 v.
13 MICHAEL D. MACKAY,
14 Defendant.

NO. CR23-102-RSL

ORDER OF FORFEITURE

17 THIS MATTER comes before the Court on the United States' Motion for an
18 Order of Forfeiture forfeiting, to the United States, Defendant Michael D. Mackay's
19 interest in a sum of money (also known as a forfeiture money judgment) in the amount of
20 \$4,731.34, representing unrecovered proceeds Defendant Mackay obtained from his
21 commission of Bank Fraud, in violation of 18 U.S.C. § 1344.

22 The Court, having reviewed the United States' Motion, as well as the other papers
23 and pleadings filed in this matter, hereby FINDS entry of an Order of Forfeiture is
24 appropriate because:

25 • The proceeds of Bank Fraud, in violation of 18 U.S.C. § 1344, are
26 forfeitable pursuant to 18 U.S.C. § 982(a)(2);

- 1 • In the Plea Agreement he entered on March 26, 2024, Defendant agreed to
2 forfeit a sum of money representing the unrecovered proceeds he obtained
3 from his commission of Bank Fraud, pursuant to 18 U.S.C. 982(a)(2).
4 Dkt. No. 28 ¶ 14.
- 5 • Defendant obtained proceeds of approximately \$142,383.73 from his
6 commission of Bank Fraud. *Id.*, ¶¶ 8e-g, 8j-k.
- 7 • The United States seized approximately \$142,383.73 of these fraud
8 proceeds (*Id.*, ¶¶ 8, 14).
- 9 • Defendant obtained approximately \$4,731.34 of fraud proceeds, which
10 have not been seized and are forfeitable.
- 11 • The forfeiture of this sum of money is personal to Defendant Mackay and,
12 pursuant to Federal Rule of Criminal Procedure (“Fed. R. Crim. P.”)
13 32.2(c)(1), no third-party ancillary process is required before forfeiting it.

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15 NOW, THEREFORE, THE COURT ORDERS:

16 1. Pursuant to 18 U.S.C. §§ 981(a)(2), the Defendant’s interest in a sum of
17 money in the amount of \$4,731.34 (also known as a forfeiture money judgment) is fully
18 and finally forfeited, in its entirety, to the United States.

19 2. Pursuant to Fed. R. Crim. P. 32.2(b)(4)(A)-(B), this Order of Forfeiture will
20 become final as to the Defendant at the time he is sentenced, it will be made part of the
21 sentence, and it will be included in the judgment.

22 3. No right, title, or interest in the above-identified sum of money in the
23 amount of \$4,731.34 exists in any party other than the United States.

24 4. Pursuant to Fed. R. Crim. P. 32.2(e), in order to satisfy this Order of
25 Forfeiture, in whole or in part, the United States may move to amend this Order, at any
26 time, to include substitute property having a value not to exceed \$4,731.34.

5. This Order of Forfeiture is separate and distinct from any restitution that is ordered in this case.

6. The Court will retain jurisdiction in this case for the purpose of enforcing and amending this Order of Forfeiture as necessary.

DATED this 3rd day of July, 2024.

Mr S Lasnik
THE HON. ROBERT S. LASNIK
UNITED STATES DISTRICT JUDGE

Presented by:

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